

BEFORE THE PUBLIC DISCLOSURE COMMISSION  
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT	)	PDC CASE NO: 03-465
ACTION AGAINST	)	
	)	
Michele Yapp	)	Notice of Administrative
	)	Charges
	)	
Respondent.	)	
_____	)	

IT IS ALLEGED as follows:

**I.**  
**JURISDICTION**

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

**II.**  
**LAW**

**RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts**, states in part: “(1) Every elected official and every executive state officer shall after January 1<sup>st</sup> and before April 15<sup>th</sup> of each year file with the commission a statement of financial affairs for the preceding calendar year...”

**RCW 42.17.241** details the content required in each report.

**WAC 390-24-010 Forms for Statement of Financial Affairs**, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 11/97...”

**III.**

### **FACTS**

The Respondent, Michele Yapp, is a Regent, University of Washington, 1513 29<sup>th</sup> Avenue South, Seattle, Washington 98144. Her term of office ends in the year 2006. **(Exhibits 1 & 5)** Ms. Yapp held office during 2002 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2003. The F-1 report was not timely filed. On May 7, 2003, Ms. Yapp was sent a letter informing her that the F-1 report due by April 15, 2003 had not been received. The letter stated that she needed to file before May 21, 2003 to avoid the possibility of enforcement. **(Exhibit 2)** On May 23, 2003, Ms. Yapp was notified of a brief enforcement hearing scheduled for June 12, 2003. The notice gave her the opportunity to file the missing report, stipulate to a violation and pay a \$100 penalty to avoid a brief enforcement hearing. **(Exhibit 3)** On June 5, 2003, Ms. Yapp was notified that the brief enforcement hearing had been cancelled. She was informed that according to the penalty schedule adopted by the Commission, the number of past violations made her case not eligible for a brief enforcement hearing. **(Exhibit 4)** The June 5, 2003 letter informed Ms. Yapp that she would be notified of a future enforcement hearing before the full Commission to determine if she has violated the public disclosure law by failing to timely file her F-1 report by April 15, 2003. The F-1 report due April 15, 2003 was received May 28, 2003.

**Past History** – In 1999, in Case #00-208, Ms. Yapp was required to file an annual F-1 report by April 15, 1999. Ms. Yapp stipulated to a violation of RCW 42.17.240 for failing to timely file her F-1 report and paid a penalty of \$50 to avoid a brief enforcement hearing.

In 2001, in Case #02-255, Ms. Yapp was required to file an annual F-1 report by April 16, 2001. Ms. Yapp stipulated to a violation of RCW 42.17.240 for failing to timely file her F-1 report and paid a penalty of \$50 to avoid a brief enforcement hearing.

In 2002, in Case #02-610, Ms. Yapp was required to file an annual F-1 report by April 15, 2002. A brief enforcement hearing was held June 4, 2002 and Ms. Yapp was found in violation of RCW 42.17.240 for failing to timely file the F-1 report. She was assessed and paid a \$150 penalty.

Ms. Yapp submitted a letter in mitigation, stating that she mailed her F-1 report on May 17, 2003, and that she also attempted to file her F-1 report electronically on May 17, 2003.

**(Exhibit 5)** The PDC has no evidence that Ms. Yapp mailed her F-1 report on May 17, 2003. On May 28, 2003, by U. S. Mail, the PDC received the F-1 report (PDC form F-1A) along with a signed signature card that had been printed on May 17, 2003. **(Exhibit 6)**

#### **IV.** **CONCLUSION**

Staff alleges, based on the facts specified in Section III, that Michele Yapp has violated RCW 42.17.240 by failing to timely file the Statement of Financial Affairs (PDC form F-1) by April 15, 2003.

RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of August, 2003.

---

Philip E. Stutzman  
Director of Compliance

#### **Exhibits**

Exhibit 1	Jurisdiction Card
Exhibit 2	May 7, 2003 Warning Letter
Exhibit 3	May 23, 2003 Brief Enforcement Hearing Notice
Exhibit 4	June 5, 2003 Cancellation of Brief Enforcement Hearing
Exhibit 5	Letter in Mitigation from Michele Yapp
Exhibit 6	Signed Signature Card Received May 28, 2003